



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

January 30, 1996

Mr. Edward H. Perry
Assistant City Attorney
City of Dallas
Office of the City Attorney
City Hall
Dallas, Texas 73201

OR96-0115

Dear Mr. Perry:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID # 37724.

The City of Dallas ("city") received a request under the Texas Open Records Act (the "act"), Government Code ch.552. Specifically, you state the requester seeks a copy of a legal opinion issued by the City Attorney's Office for the mayor and city council members. You have submitted three documents under Exhibit B for our review. However, only one document, the actual legal opinion requested, is responsive to the request. Therefore, we do not address whether the remaining records are subject to required public disclosure. You contend the requested information is excepted from required public disclosure under sections 552.107 of the Government Code.

Section 552.107 excepts from disclosure

information that the attorney general or an attorney of a political subdivision is prohibited from disclosing because of a duty to the client under the Rules of the State Bar of Texas.


As construed by this office, this exception essentially incorporates the attorney-client privilege as set out in the Texas and federal rules of evidence and as interpreted by state and federal courts. Open Records Decision No. 574 (1990). In Open Records Decision No. 574 (1990), this office concluded that section 552.107 excepts from disclosure only "privileged information," that is,

information that reflects either confidential communications from the client to the attorney or the attorney's legal advice or opinions. *Id.* at 5.

We have examined the legal memorandum submitted for our review under section 552.107. The memorandum constitutes a written communication between the mayor and city council members and counsel for the city. We agree that the city may withhold the document as the document produced falls within the attorney-client privilege as constituting legal advice or opinion.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Janet H. Monteros
Assistant Attorney General
Open Records Division

JIM/ch

Ref.: ID# 37724

Enclosures: Submitted documents

cc: Mr. Tim Dickey
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